

# HOUSE BILL No. 5314

February 4, 2016, Introduced by Reps. Hooker, Victory, Muxlow, Lyons and Hughes and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 9155 and 9156 (MCL 333.9155 and 333.9156), section 9155 as added by 2012 PA 342 and section 9156 as added by 2012 PA 343.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 9155. (1) Before ~~the expiration of 90 days after the~~  
2 ~~effective date of this section, JUNE 27, 2013,~~ the department shall  
3 develop, adopt, or approve educational materials on the nature and  
4 risk of concussions.

5           (2) Before ~~the expiration of 90 days after the effective date~~  
6 ~~of this section, JUNE 27, 2013,~~ the department shall develop,  
7 adopt, or approve a concussion awareness training program in an

1 electronic format that includes all of the following:

2 (a) The nature and risk of concussions.

3 (b) The criteria for the removal of an athlete from physical  
4 participation in an athletic activity due to a suspected concussion  
5 and his or her return to that athletic activity.

6 (c) The risks to an athlete of not reporting a suspected  
7 concussion and continuing to physically participate in the athletic  
8 activity.

9 (3) As soon as they are available, the department shall make  
10 the educational materials and training program required under this  
11 section available to the public on the department's internet  
12 website. The department shall make the training program available  
13 to all individuals required to participate in the program under  
14 section 9156 and to any interested individual including school  
15 personnel, coaches, parents, students, and athletes. **THE DEPARTMENT**  
16 **SHALL PERIODICALLY REVIEW THE TRAINING PROGRAM REQUIRED UNDER THIS**  
17 **SECTION AND, FOR PURPOSES OF SECTION 9156, MAKE RECOMMENDATIONS**  
18 **REGARDING THE FREQUENCY OF THE TRAINING PROGRAM BASED ON CHANGES TO**  
19 **THE TRAINING PROGRAM THAT ARE DEVELOPED, ADOPTED, OR APPROVED BY**  
20 **THE DEPARTMENT.**

21 (4) As used in this section and section 9156:

22 (a) "Appropriate health professional" means a health  
23 professional who is licensed or otherwise authorized to engage in a  
24 health profession under article 15 and whose scope of practice  
25 within that health profession includes the recognition, treatment,  
26 and management of concussions.

27 (b) "Athletic activity" means a program or event, including

1 practice and competition, during which youth athletes participate  
2 or practice to participate in an organized athletic game or  
3 competition against another team, club, entity, or individual.  
4 Athletic activity includes participation in physical education  
5 classes that are part of a school curriculum.

6 (c) "Concussion" means a type of traumatic brain injury as  
7 recognized by the ~~centers for disease control and prevention.~~  
8 **CENTERS FOR DISEASE CONTROL AND PREVENTION.** A concussion may cause  
9 a change in ~~a person's~~ **AN INDIVIDUAL'S** mental status at the time of  
10 the injury, including, but not limited to, feeling dazed,  
11 disoriented, or confused, and may or may not involve a loss of  
12 consciousness. A concussion may be caused by any type of accident  
13 or injury including, but not limited to, the following:

- 14 (i) A fall.  
15 (ii) A blow, bump, or jolt to the head or body.  
16 (iii) The shaking or spinning of the head or body.  
17 (iv) The acceleration and deceleration of the head.

18 (D) **"INSTITUTION OF HIGHER EDUCATION" MEANS A DEGREE OR**  
19 **CERTIFICATE GRANTING PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY,**  
20 **JUNIOR COLLEGE, OR COMMUNITY COLLEGE.**

21 (E) ~~(d)~~—"Organizing entity" means any of the following:

- 22 (i) A school.  
23 (ii) A state or local parks and recreation department or  
24 commission or other state or local entity.  
25 (iii) A nonprofit or for-profit entity.  
26 (iv) A public or private entity.

27 (F) ~~(e)~~—"School" means a nonpublic school, public school, or

1 public school academy as those terms are defined in section 5 of  
2 the revised school code, 1976 PA 451, MCL 380.5.

3 (G) ~~(f)~~—"Youth athlete" means an individual who participates  
4 in an athletic activity and who is under 18 years of age.

5 Sec. 9156. (1) An organizing entity that is subject to this  
6 section shall ensure that it is in compliance with this section  
7 before it sponsors or operates an athletic activity in which youth  
8 athletes will participate, if that athletic activity is subject to  
9 this section.

10 (2) Before a youth athlete may participate in an athletic  
11 activity sponsored by or operated under the auspices of an  
12 organizing entity, the organizing entity shall do all of the  
13 following:

14 (a) Comply with all the requirements of this section with  
15 regard to its coaches, employees, volunteers, and other adults who  
16 are involved with the participation of youth athletes in athletic  
17 activity sponsored by or operated under the auspices of that  
18 organizing entity and who are required to participate in the  
19 concussion awareness training program developed under section 9155.

20 **(B) ENSURE THAT EACH COACH, EMPLOYEE, VOLUNTEER, AND OTHER**  
21 **ADULT WHO IS REQUIRED TO PARTICIPATE IN THE CONCUSSION AWARENESS**  
22 **TRAINING PROGRAM DEVELOPED UNDER SECTION 9155 COMPLETES THE**  
23 **TRAINING PROGRAM ONCE EVERY 3 YEARS, UNLESS THE DEPARTMENT**  
24 **RECOMMENDS MORE FREQUENT TRAINING.**

25 (C) ~~(b)~~—Provide the educational materials developed under  
26 section 9155 to each youth athlete who participates in an athletic  
27 activity sponsored by or operated under the auspices of the

1 organizing entity and a parent or guardian of the youth athlete.

2 (D) ~~(e)~~—Obtain a statement signed by each youth athlete and a  
3 parent or guardian of the youth athlete acknowledging receipt of  
4 the educational material developed under section 9155. The  
5 organizing entity shall maintain the statement obtained under this  
6 subdivision in a permanent file for the duration of that youth  
7 athlete's participation in athletic activity sponsored by or  
8 operated under the auspices of that organizing entity or until the  
9 youth athlete is 18 years of age. Upon request, the organizing  
10 entity shall make the statements obtained under this subdivision  
11 available to the department.

12 (3) A coach or other adult employed by, volunteering for, or  
13 otherwise acting on behalf of an organizing entity during an  
14 athletic event sponsored by or operated under the auspices of the  
15 organizing entity shall immediately remove from physical  
16 participation in an athletic activity a youth athlete who is  
17 suspected of sustaining a concussion during the athletic activity.  
18 A youth athlete who has been removed from physical participation in  
19 an athletic activity under this subsection shall not return to  
20 physical activity until he or she has been evaluated by an  
21 appropriate health professional and receives written clearance from  
22 that health professional authorizing the youth athlete's return to  
23 physical participation in the athletic activity. The organizing  
24 entity shall maintain a written clearance obtained under this  
25 subsection in a permanent file for the duration of that youth  
26 athlete's participation in athletic activity sponsored by or  
27 operated under the auspices of that organizing entity, ~~or~~ until the

1 youth athlete is 18 years of age, **OR UNTIL THE YOUTH ATHLETE IS**  
2 **ENROLLED SOLELY IN AN INSTITUTION OF HIGHER EDUCATION.** Upon  
3 request, the organizing entity shall make the written clearance  
4 obtained under this subsection available to the department.

5 (4) This section does not apply to an athletic activity  
6 sponsored by or operated under the auspices of an organizing entity  
7 if all of the following requirements are met:

8 (a) The entity is a member of a private nonprofit multisport  
9 statewide interscholastic athletic association.

10 (b) The athletic activity is governed by a rule established by  
11 the interscholastic athletic association described in subdivision  
12 (a), which rule establishes concussion protocols that are  
13 substantially similar to or more stringent than the concussion  
14 protocols in the training program developed, adopted, or approved  
15 under section 9155 and the removal from and return to physical  
16 activity requirements of this section, and includes an enforcement  
17 mechanism on its members.

18 (5) This section does not apply to an entity that would  
19 otherwise be considered an organizing entity under this section if  
20 the primary focus of the program or event sponsored by or operated  
21 under the auspices of that entity is not the participation in an  
22 organized athletic game or competition but that participation is  
23 only incidental to the primary focus of the program or event.

24 Enacting section 1. This amendatory act takes effect 90 days  
25 after the date it is enacted into law.